

AN ORDINANCE BY

COUNCIL MEMBER C. T. MARTIN

**AMENDING SECTION 114-429 (VOLUNTARY SHARED LEAVE PROGRAM) OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR THE PURPOSE OF ALLOWING EMPLOYEES TO DONATE ACCRUED LEAVE (SICK OR ANNUAL) TO ELIGIBLE EMPLOYEES IN NEED OF A DONATION PRIOR TO THAT INDIVIDUAL HAVING TO EXHAUST ALL OF THEIR OWN LEAVE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta has a Voluntary Shared Leave Program which allows employees to donate accrued leave time to their fellow employees in need of leave time; and

**WHEREAS**, some employees wishing to make donations of leave time have found it extremely difficult to do so because of the stringent requirements of the program; and

**WHEREAS**, the program should be amended to allow for the humane treatment of our employees by removing the limits on the amount of leave time an employee can contribute; and

**WHEREAS**, the contribution of accrued leave time to other employee could save the city money depending on the donor and the recipient of the leave time donated.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA** as follows:

**SECTION 1:** That Section 114-429(e) (2a) and (f) (4) be amended to read as follows:

Sec. 114-429. Voluntary shared leave program.

(a) Purpose and applicability. The purpose of this section is to set forth procedures and requirements for a "Voluntary Shared Leave Program" under which leave (annual, sick and compensatory time) may be transferred from one employee to another in the event the receiving

employee or an immediate family member suffers from a serious illness or injury that necessitates the employee's absence from work.

(b) Definitions.

(1) Family member refers to the following relatives of the employee:

- a. Spouse or domestic partner and his/her parents;
- b. Children, including adopted children, and their spouses;
- c. Parents;
- d. Brothers and sisters and their spouses; and
- e. Any individual related by blood or whose close association is the equivalent of a family relationship.

(2) Leave recipient means an employee who receives donated leave.

(3) Leave donor means an employee who voluntarily transfers leave to the shared leave account of a leave recipient.

(4) Severe illness or injury means a catastrophic medical condition of an employee or a family member that would require the employee's absence from work for an extended period of time and would result in a loss of income.

(5) Shared leave account refers to an account established for a leave recipient to receive donated leave and shall be maintained separately from other leave balances.

(c) Requesting shared leave. To be eligible to receive shared leave, an employee shall:

(1) Meet the following eligibility requirements:

- a. Is a regular employee with satisfactory or effective performance rating;
- b. Incur a severe illness or injury; or
- c. Serve as a caregiver responsibility for a family member with a severe illness or injury; and

(2) Prepare a "shared leave request form" by:

- a. Obtaining a request form from the supervisor or manager; and

- b. Submitting a completed form to the supervisor and department head for signatures and transmission of the form, including medical verification, to the department of human resources, before or during the period of leave.
- (3) Provide medical verification by:
  - a. Obtaining a medical statement signed by a licensed physician that:
    - 1. Verifies and describes the incapacitating condition which requires the employee's absence; and
    - 2. Provides the beginning date of treatment and the date employee is expected to return to work, or in the case of a family member, the expected duration of the illness.
  - b. Sending the medical statement directly to the department head of the leave recipient.
- (d) Status while receiving shared leave.
  - (1) Insurance benefits and leave accrual continue if an employee is in a shared leave status.
  - (2) Shared leave ends when an employee returns to work or is separated from employment. If the medical provider recommends a gradual return to work, additional shared leave use may be approved by the commissioner of human resources in conjunction with the recipient's department head.
  - (3) Any employee on shared leave shall be prohibited from taking another job. Violation of this section shall cause the immediate forfeiture of any remaining donated leave.
- (e) Donating leave.
  - (1) An employee who desires to donate leave shall complete a "voluntary shared leave form" designating the recipient of the leave and the amount and category of leave to be donated.
  - (2) Employees may donate leave in the following manner:
    - a. **An employee may donate any accrued annual leave, sick leave, or reserved sick leave to any qualified leave recipient.**
    - b. A non-exempt employee may donate as many hours of compensatory hours as desired.
- (f) Leave limitations.
  - (1) A leave recipient may receive and be allowed to use no more than 2,080 hours from the date of approval, per occurrence of severe illness or injury; except that sworn employees of the Atlanta Fire Department on a 53-hour schedule shall be entitled to receive and use no more than 2,756 hours.

- b. Verify the eligibility of a leave donor;
  - c. Advise when request to become a leave recipient is approved or disapproved;
  - d. Notify the department of finance of request approval; and,
  - e. Notify the department of finance when the leave status has ended.
- (3) Department of finance shall:
- a. Make appropriate adjustments to recipient and donor leave balance; and
  - b. Maintain special shared leave account.
- (j) Confidentiality. This information will be kept confidential to the extent authorized under the Open Records Act.
- (Ord. No. 2007-22(07-O-2700), § 1, 3-27-07)

**SECTION 2:** That all ordinances and parts of ordinances in conflict herewith be and are hereby waived in this instance only.